

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

DARELL LYNN JONES-BEY,

Plaintiff,

Case No. 2:11-cv-475

v.

Honorable R. Allan Edgar

MICHAEL R. ENGELSGJERD, et al.,

Defendants.

MEMORANDUM AND ORDER

This case currently remains pending against Defendants, Frontera, Brahani, Jenkins, and Miles. On July 10, 2013, U.S. Magistrate Judge Timothy P. Greeley entered a Report and Recommendation ("R&R") in this case, in which he recommended that Defendant Miles's motion for summary judgment be granted and this case be dismissed. Doc. No. 121. Magistrate Judge Greeley found that Plaintiff had failed to exhaust his administrative remedies against Defendant Miles, and Plaintiff's claims against him should therefore be dismissed without prejudice. Alternatively, Magistrate Judge Greeley found that Defendant Miles did not act with deliberate indifference.

Plaintiff has filed objections to the R&R. Doc. No. 123. This Court is required to make a de novo determination of those portions of the R&R to which objections have been filed, and may accept, reject, or modify any or all of the Magistrate Judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(a).

In his objections, Plaintiff asserts that he did file a timely grievance. Plaintiff further asserts that Defendant Miles caused him severe pain by delaying treatment. The Court, after reviewing the record, concurs with Magistrate Judge Greeley's assertion that Plaintiff failed to name Defendant Miles in a properly exhausted grievance. The Court further concurs with Magistrate Judge Greeley that Defendant Miles did not act with deliberate indifference. Rather, as Magistrate Judge Greeley points out, Defendant Miles responded to Plaintiff's complaints and provided care to Plaintiff.

Plaintiff's objections [Doc. No. 123] are without merit and are DENIED. Magistrate Judge Greeley's R&R [Doc. No. 48] is APPROVED and ADOPTED as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1) and W.D. Mich. L. Civ. R. 72.3(b). Defendant Miles's motion for summary judgment [Doc. No. 100] is GRANTED, and he is DISMISSED WITHOUT PREJUDICE. This case remains pending as to Defendants Frontera, Brahani, and Jenkins. Since service has not been effectuated on those defendants, this case will be dismissed in its entirety. A Judgment consistent with this Memorandum and Order will be entered.

SO ORDERED.

Dated: 9/17/2013

/s/ R. Allan Edgar
R. Allan Edgar
United States District Judge